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APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,929		03/01/2002	Clarence N. Ahlem	202.8	7989
26551	7590	06/09/2006		EXAM	INER
		HARMACEUTICA	VANIK, I	VANIK, DAVID L	
4435 EASTGATE MALL SUITE 400				ART UNIT	PAPER NUMBER
SAN DIEGO, CA 92121			1615		
			DATE MAILED: 06/09/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary  Examiner David L. Vanik  The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).		Application No.	Applicant(s)					
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## **DETAILED ACTION**

Receipt is acknowledged of the Applicant's Remarks, Claim Amendments, and Affidavits filed on 1/19/2006. Receipt is also acknowledged of Applicant's Information Disclosure Statement filed on 2/2/2006. It should be noted that this Application has been transferred from Examiner James Spear to Examiner David Vanik.

## Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of compounds of the following general formula:

Applicant is advised to specifically define and elect substituent groups for  $R^1 - R^{10}$ . The examiner respectfully suggests that the double or single bonds of the above compound be defined as well. In short, the examiner respectfully

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requests that the Applicant define the structure of the above compound so that a search and examination may be undertaken.

The species are independent or distinct because, as currently claimed, the structure comprises many different combinations of steroids with different reactivity, function, and structure. A search for each specific permutation of the above compound would place a serious burden on the examiner and the resources of the office.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 46-48, and 50 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

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2. This application contains claims directed to the following patentably distinct species of blood cell deficiency disorders chosen from the instant claims 6-14, 47, 52, 55:

Applicant is advised to specifically select a species of blood cell deficiency disorder being treated by the disclosed compound. That is, the examiner respectfully requests that the Applicant specifically define a disorder and the compound used to treat said disorder so that a search and examination may be undertaken.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 46 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

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3. Applicant's agent, Daryl D. Muenchau, was contacted on 6/7/2006 concerning this election requirement. Mr. Muenchau was informed that, due to the complexity of the action, the action was submitted in writing.

## Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Vanik whose telephone number is (571) 272-3104. The examiner can normally be reached on Monday-Friday 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached at (571) 272-8373. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Vanik, Ph.D.

Art Unit 1615

6/7/06